

DRAWING AMENDMENTS

In the Drawing:

The drawings were objected to for failing to show every feature of the invention as specified in the claims. Please replace Drawing Sheet(s) 1-3, Figure(s) 1-3 with replacement Drawing Sheet(s) 1-3. Applicants also submit annotated red-lined drawing pages reflecting the changes. Applicants provide formal corrected drawings to be entered if the proposed changes are accepted by the Examiner.

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed July 11, 2006. At the time of the Office Action, Claims 1-20 were pending in this Application. Claims 1-20 were rejected. Applicants respectfully request reconsideration and favorable action in this case.

Objections under 37 CFR 1.83(a)

Examiner has objected to the drawings for not showing every feature of the invention specified in the Claims under 37 CFR 1.83(a). Applicants submit that the diagnosis and evaluation unit is shown in Fig. 2 with element 19. Element 19 can for example be a microcontroller which performs the functions of the diagnosis and evaluation unit as described in the specification of the present application. therefore, all claimed limitations are shown in Fig. 2.

Rejections under 35 U.S.C. §103

Claims 1-3, 6-15, and 17-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,958,551 issued to Janssen ("Janssen"). Applicants respectfully traverse and submit the cited art does not render the claimed embodiment of the invention obvious.

Claims 4-5 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Janssen in view of U.S. Patent 4,804,856 issued to Hanisko et al. ("Hanisko"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Furthermore, according to § 2143 of the Manual of Patent Examining Procedure, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success.

Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

The Examiner stated correctly that janssen does not teach the use of a second switch. However, the Examiner further stated that sampling the voltage provides for an equivalent means of the second switch. Applicants respectfully disagree.

As disclosed in the specification, the present evaluation circuit, in particular by using the second switch, is not only capable of identifying an authorized key but also capable of identifying a malfunction of the authorization system. To this end, the second switch allows for a controlled connection of the key with a power supply. Only, when the second switch is coupled with the power supply 16, the resistor network is energized and the appropriate voltages can be evaluated. However, when the second switch is open, the system can still perform a measurement of the voltages. Any short or malfunction that energizes the network can be detected. By the means of two controlled switches, a plurality of different scenarios can be analyzed. For example, if both switches are open, node 26 should float and thus, for example, no stable measurement should be possible whereas node 29 should read a ground connection. If only switch 13 is closed, then both nodes 29 and 26 should be ground. If only switch 22 is closed, then node 29 should be ground and node 26 should be at supply voltage level. Thus, a variety of different scenarios can be evaluated.

Janssen on the contrary only provides for a single switch and therefore cannot perform the evaluations as mentioned above. As soon as the key is inserted, the key is always energized. A controlled energizing of the key is neither mentioned nor suggested.

Therefore, Janssen does not render the present independent claims obvious. Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.


CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,
BAKER BOTTS L.L.P.
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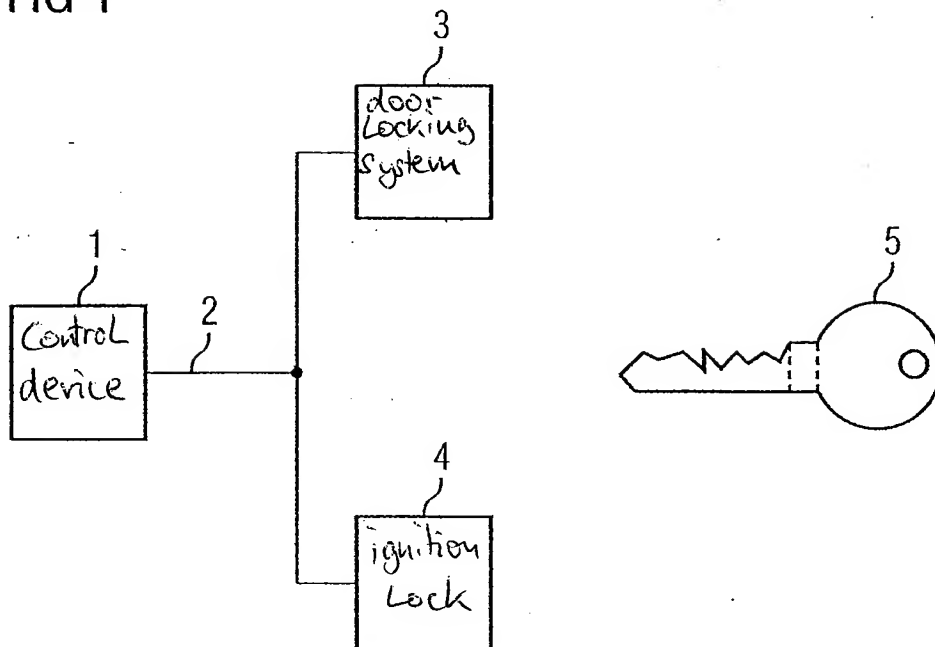

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Date: October 10, 2006

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**Device and Method for Protecting a Motor
Vehicle Against Theft**
Inventor: Ulrich Emmerling et al.
Attorney Docket.: 071308.0549
Annotated Sheet 1/3

FIG 1



Inventor: Ulrich Emmerling et al.
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Attorney Docket.: 071308.0549

FIG 2

FIG 2

FIG 3

